

REMARKS

Amended drawings are provided herewith. It is believed that the amendments to the drawings address the objections stated in the Office Action.

Claims 1, 3-5, and 7-8 stand rejected as unpatentable over the drawings purportedly made by Smith that applicant submitted to the Office in an Information Disclosure Statement. Claims 2 and 6 stand rejected as unpatentable over Smith in view of McDanel. For the reasons set forth below, the amended claims are believed to be patentable.

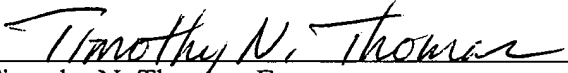
First as to the rejection under 102(a) as being anticipated by Smith, 102(a) applies when “the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant.” It is respectfully submitted that the Office has not made a prima facie case that the Smith drawing was either “known or used by others in this country” or “patented or described in a printed publication in this or a foreign country.” While the date on the drawing predates applicant’s filing date, the mere fact that a drawing was ostensibly made on a certain date does not make a prima facie case that the drawing was ever “known or used by others” or “patented or described in a printed publication.”

Moreover, even if the Smith drawing does qualify as prior art under §102(a), it does not anticipate applicant’s claimed invention. Applicant’s claimed invention requires the use of a slotted gripping member for holding the blade, with the side (bottom) of the slot being perpendicular to the flange of the beam. This ensures that the blade will also be held in a position perpendicular to the flange, since the surface of contact between the blade and the slot is fixed so that it is perpendicular to the flange.

The benefit of ensuring a perpendicular blade orientation is not provided by the Smith device, which appears not to ensure that the blade is perpendicular to the flange. Instead, the Smith device uses three holes in the blade, and then appears to secure the blade to the device by putting bolts through those holes. Unless the sizes of the holes are machined to exactly match the sizes of the bolts (and that feature, which is not shown in the Smith drawings, would make it extremely difficult to put the bolts through the holes), there will be “wiggle” room in the Smith device which will allow for some movement from a precisely perpendicular orientation. That variation from a perpendicular orientation is avoided by the locking mechanism of applicant’s claimed device.

In view of the above it is submitted that the claimed invention is not anticipated or made obvious by the cited prior art. Favorable reconsideration of the amended application is therefore respectfully requested.

Respectfully submitted,



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